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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,286	03/09/2004	Laxman Muruges	006477 USA/CPS/IBSS/LP	2942
61285	7590	12/01/2006	EXAMINER	
JANAH & ASSOCIATES, P.C.			DHINGRA, RAKESH KUMAR	
650 DELANCEY STREET, SUITE 106			ART UNIT	
SAN FRANCISCO, CA 94107			PAPER NUMBER	

1763

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/797,286

Applicant(s)

MURUGESH ET AL.

Examiner

Rakesh K. Dhingra

Art Unit

1763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see continuation sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

**PARVIZ HASSANZADEH  
SUPERVISORY PATENT EXAMINER**

Rakesh K Dhingra

## Response to applicant's arguments

1) Claim 1: Examiner responds that for amended claim 1, the previous rejection stands, since applicant has only added limitations of claim 2 (now cancelled) to claim 1, both of which were already rejected under 35 USC 103 (a) in view of Murugesh and Halsey. In response to applicant's argument that Murugesh does not teach baffle having first vanes comprising arcuate plates, examiner responds that dictionary meaning of baffle is "device to deflect flow" and that Murugesh teaches a baffle 248 with vanes 245. Murugesh further teaches that the topography of first surface of baffle (with first vanes) could be selected to achieve desired gas flow and also depends on the surfaces within the chamber where gas flow is required. Thus the first vanes 245 could be given any shape (including arcuate plate shape) as per gas flow and the required surface considerations. Further, Halsey et al teach a gas diffuser 200 that has a gas inlet nozzle 302, body and guide vanes 210, 212 on the opposite (second) surface of body (baffle) 202 to achieve flow uniformity in the chamber (motivation). Further, Halsey also teach that plural diffusers could be mounted in a chamber (Figure 3C) [which could be integrated into one gas distributor with first and second vanes on first and second surfaces]. Further, examiner also responds that though applicant has mentioned that the distributor of the present invention is self-cleaning, amended claim 1 does not recite such limitation. In view of above, the combination of Murugesh and Halsey teach all limitations of claim 1 and rejection of claim 1 and its dependent claims is maintained.

2) Claim 7: To applicant's argument that Wheat also do not teach limitations of claim 1, examiner responds that Murugesh in view of Halsey already teach all limitations of claim 1 (as explained above under claim 1) and reference by Wheat is used only for the dependent claim limitation, pertaining to wedge shape of second vanes. Thus rejection of claim 7 is also maintained.

3) Claim 9: To Applicant's remarks that as per Frijlink, the seal means do not allow the process gases to enter the spaces 102 and 103, the examiner responds that Murugesh in view of Halsey already teach all limitations of claim 1 (already explained above) and Frijlink further teaches the claim 9 limitation "the hub comprises a gas feed-through tube capable of allowing a process gas to bypass the first and second vanes and enter the chamber" as explained in the last office action (Frijlink – Figure 1 and paragraph 0024). Thus rejection of the claim 9 is maintained.

4) Claim 15: To applicant's argument that Murugesh, Halsey and Frijlink do not teach claim limitations (for the same reasons as given by applicant under claims 1, 9), the examiner responds that as already explained above (under claims 1, 9) all the limitations of claim 15 are taught by these references as explained in the last office action. Further, examiner responds that though applicant has mentioned that the distributor of the present invention is self-cleaning, amended claim 1 does not recite such limitation. Thus combination of Murugesh, Halsey and Frijlink teach all limitations of claim 15 and thus rejection of the claim and its dependent claims is maintained.

5) Claim 10: To applicant's argument that Horie does not teach limitations of claim 1, that is a baffle having first vanes on first surface and second vanes on second surface, examiner responds that Murugesh in view of Halsey already teach all limitations of claim 1 (as explained above) and reference by Horie is used only for the dependent claim limitation pertaining to a combination process and cleaning gas distributor, which limitation are taught by Horie, as explained in the last office action. Thus rejection of claim 10 is maintained.

6) Claim 11: To applicant's argument that Redeker in view of Murugesh, Halsey and Frijlink do not teach limitations of claim 11, examiner responds that all the limitations of claim 11 that are not taught by Redeker that is,  
 first channel along external surface of hub;  
 a baffle plate extending radially outward from the hub, the baffle plate comprising a first and second surface, an outer perimeter, and an aperture capable of allowing passage of the gas along the second channels;  
 first vanes on the first surface of the baffle plate, each first vane comprising an arcuate plate that curves outward from the hub,  
 second vanes on the second surface of the baffle plate, each second vane comprising a surface inclined to the second surface of the baffle plate;  
 whereby the first vanes direct the gas across the surfaces of the chamber,  
 the second vanes direct the gas across the second surface of the baffle plate, and the  
 (iii) a gas feed-through tube that allows the gas to bypass the first and second set of vanes.  
 are taught by Murugesh, Halsey and Frijlink as already explained above under claims 1, 9 and in the last office action.  
 Thus rejection of claim 11 and its dependent claims is maintained.